

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claim 30 has been cancelled, claims 18, 28, and 29 have been amended, and claim 31 has been newly added. Support for the amendments is provided for example in the original claims. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 18, 19, 22, and 28-30 were rejected, under 35 USC §102(e), as being anticipated by Benveniste (US 7,095,754). Claims 20 and 21 were rejected, under 35 USC §103(a), as being unpatentable over Benveniste. To the extent that these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse as follows.

Claim 18 now defines a wireless communication method in which a receiving station: (1) receives a signal indicating whether a response is expected or an intent to continue exists and (2) alters its interpretations of idle time slots depending on the received indication. The claimed subject matter provides an advantage of reducing medium access overhead and improving medium utilization efficiency and throughput (see specification page 15, lines 1-5).

The Final Rejection proposes that Benveniste discloses receiving a header identifying a number of retransmissions and the age of the retransmission attempts and that this information indicates whether a response is expected or an intent to continue exists (see Final Rejection section 8, second paragraph).

By itself, Benveniste's information identifying a number of retransmissions and the age of such retransmissions does not provide an indication of whether a response to a signal is expected

or an intent to continue exists. To overcome this deficiency, the Final Rejection proposes that after Benveniste's system of nodes receives such retransmission information, a node waiting to transmit a packet adjusts its transmission-backoff counter for accessing a channel (see Final Rejection section 8, lines 9-10). Based on the fact that a node waiting to transmit a packet adjusts its transmission-backoff counter in response to a received message, the Final Rejection concludes that Benveniste discloses the claimed subject matter of receiving a signal indicating whether a response is expected or an intent to continue exists (see section 8, lines 7-11).

However, a predicate condition in the Final Rejection's scenario is that the node adjusting its transmission-backoff counter is one waiting to transmit a packet. The Final Rejection does not indicate what a node that is not waiting to transmit a packet does. Thus, the node that is waiting to transmit a packet is waiting to do so without regard to received information of the number and age of retransmissions. As a result, such retransmission information does not affect whether the node intends to transmit the packet, but only affects when the node will transmit the packet. Accordingly, Benveniste's information of the number and age of retransmissions provides no indication of whether a response is expected or an intent to continue exists.

Stated more simply, Benveniste's node only adjusts its transmission-backoff counter in response to received retransmission information if the node is waiting to transmit a packet; if the node is not waiting to transmit a packet, no adjustment or transmission is made. And these conditions hold true regardless of the number and age of the retransmissions identified in the received retransmission information. Thus, the received retransmission information has no bearing on whether Benveniste's node transmits a packet and provides no indication of whether a response is expected or an intent to continue exists.

Claim 18 also recites a receiving station that alters an interpretation of idle time slots depending on whether a received signal indicates a response is expected or an intent to continue exists. Benveniste discloses, in Fig. 7B, three idle time slots: (1) a TCMA access point contention period 735, (2) a contention-free period 716, and (3) a tiered-contention multiple access period 718. Benveniste does not disclose or suggest altering the interpretations of these three idle time slots depending on whether or not a response is expected or an intent to continue exists. To overcome this deficiency, the Final Rejection impermissibly alters its interpretation of Benveniste's idle time slots with respect to features recited in claim 18.

More specifically, the Final Rejection proposes, with respect to claim 18, that Benveniste's disclosed time slot 715, in Fig. 7B, corresponds to the first idle time slot and that Benveniste's time slot 735 corresponds to the claimed second idle time slot (see Final Rejection page 3, lines 10 and 21). Subsequently, with respect to claim 18, the Final Rejection proposes that Benveniste's disclosed time slot 735 corresponds to the claimed first idle time slot and that Benveniste's time slot 716 corresponds to the claimed second idle time slot (see Final Rejection page 4, line 20, and page 5, line 10). Thus, the Final Rejection has applied contradictory reasoning in the rejection of claim 18. And the Final Rejection's contradictory interpretations of Benveniste's disclosure does not serve as a permissible surrogate for Benveniste's lack of alternate interpretations of idle time slots.

Claim 18 recites interpreting idle time slots one way when a signal is received indicating that no response is expected or no intent to continue exists and interpreting the idle time slots a different way when the received signal indicates a response is expected or an intent to continue exists. Benveniste does not disclose this subject matter.

Accordingly, Applicants submit that Benveniste does not anticipate the subject matter now defined by claim 18. New claim 31 similarly recites the above-mentioned subject matter distinguishing method claim 18 from Benveniste's disclosure, but with respect to an apparatus. Therefore, the rejections applied to claims 20 and 21 are obviated and allowance of claim 18 and 31 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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